

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yednock, Ted et al.

Application No.: 10/544,093

Filed: March 3, 2006

For: ACTIVE IMMUNIZATION TO  
GENERATE ANTIBODIES TO  
SOLUBLE A-BETA

Customer No.: 00826

Confirmation No.: 6443

Examiner: Emch, Gregory S.

Art Unit: 1649

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97 and §1.98

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Commissioner:

The references cited on attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. In compliance with the requirements of 37 CFR §1.98(a)(2), copies of foreign patent document cite numbers 48a, 54a, 1102a, 1135a, 1175-1190, 1206, 1220-1225, 1227-1228, 1236-1240, 1244, 1249-1251, 1257-1258, 1259a, 1267, 1270-1271, 1274, 1276, and 1285 and copies of non-patent document cite numbers 1156, 1191, 1193-1194, 1198-1205, 1207-1208, 1213-1214, 1217-1219, 1226, 1229-1235, 1241, 1243, 1245-1248, 1252-1256, 1260-1265, 1268-1269, 1272-1273, 1279-1284, 1286-1289, 1291-1313, and 1315-1322 are enclosed.

Applicant also cites the following copending applications and issued patents, which are directed to related subject matter and are commonly owned or under an assignment obligation to be commonly owned:

10/010,942 filed 12/06/01; issued as US 7,189,819 on 03/13/07;

10/232,030 filed 08/30/02; issued as US 7,582,733 on 09/01/09;

10/388,214 filed 03/12/03; issued as US 7,256,273 on 08/14/07;

10/388,389 filed 03/12/03; issued as US 7,179,892 on 02/20/07;

10/388,389 filed 03/12/03; issued as US 7,179,892 on 02/20/07;  
10/544,093 filed 08/01/05 (US National Stage of PCT/US04/02856 filed 01/31/04);  
10/583,464 filed 01/16/07 (US National Stage of PCT/US04/042701 filed 12/17/04);  
10/583,503 filed 06/16/06;  
10/858,855 filed 06/01/04; issued as US 7,871,615 on 01/18/11;  
11/244,678 filed 10/05/05; issued as US 7,807,804 on 10/05/10;  
11/303,478 filed 12/15/05;  
11/304,986 filed 12/15/05; issued as US 7,825,223 on 12/01/09;  
11/342,353 filed 01/27/06; issued as US 7,635,473 on 12/22/09;  
11/454,772 filed 06/16/06; issued as US 7,825,223 on 11/02/10;  
11/455,203 filed 06/16/06; issued as US 7,820,799 on 10/26/10;  
11/664,865 filed 01/15/09;  
11/707,639 filed 02/16/07; issued as US 7,700,751 on 04/20/10;  
11/841,919 filed 08/20/07;  
11/841,993 filed 08/20/07;  
11/893,123 filed 08/13/07;  
12/037,045 filed 02/25/08;  
12/181,238 filed 07/28/08; issued as US 8,003,097 on 8/23/11;  
12/297,636 filed 05/10/10 (US National Stage of PCT/US2007/009499 filed 4/18/07 (contested));  
12/608,869 filed 10/29/09;  
12/637,508 filed 12/14/09;  
12/738,396 filed 06/24/10 (US National Stage of PCT/US2008/080382 filed 10/17/08);  
12/903,053 filed 10/12/10;  
13/004,014 filed 01/10/11;

13/076,379 filed 03/20/11;  
13/123,898 filed 04/13/11;  
13/178,428 filed 07/07/11; and  
61/450,619 filed 03/08/11.

Applicant also cites the following copending applications and issued patents directed to related subject matter but subject to different assignment:

09/201,430 filed 11/30/98; issued as US 6,787,523 on 09/07/04;  
09/322,289 filed 05/28/99; issued as US 7,964,192 on 06/21/11;  
09/580,018 filed 05/26/00; issued as US 6,761,888 on 07/13/04;  
09/723,384 filed 11/27/00; issued as US 6,710,226 on 03/23/04;  
09/723,762 filed 11/28/00; issued as US 6,787,144 on 09/07/04;  
09/723,765 filed 11/28/00; issued as US 7,588,766 on 09/15/09;  
09/723,927 filed 11/28/00; issued as US 6,787,138 on 09/07/04;  
09/724,102 filed 11/28/00; issued as US 6,787,139 on 09/07/04;  
09/724,288 filed 11/28/00; issued as US 7,575,880 on 08/18/09;  
09/724,319 filed 11/27/00;  
09/724,477 filed 11/28/00; issued as US 6,787,143 on 09/07/04;  
09/724,489 filed 11/28/00; issued as US 6,787,140 on 09/07/04;  
09/724,551 filed 11/28/00; issued as US 6,787,637 on 09/07/04;  
09/724,552 filed 11/28/00; issued as US 6,750,324 on 06/15/04;  
09/724,567 filed 11/28/00; issued as US 6,890,535 on 05/10/05;  
09/724,570 filed 11/28/00; issued as US 6,936,246 on 08/30/05;  
09/724,940 filed 11/28/00; issued as US 6,905,686 on 06/14/05;  
09/724,953 filed 11/28/00; issued as US 6,875,434 on 04/05/05;  
09/724,961 filed 11/28/00; issued as US 6,743,427 on 06/01/04;

09/979,952 filed 04/09/02 (US National Stage of PCT/US00/15239 filed 06/01/00); issued as US 6,913,745 on 07/05/05;

10/429,216 filed 05/30/03;

10/699,517 filed 10/31/03; issued as US 7,727,957 on 06/01/10;

10/815,353 filed 03/31/04; issued as US 6,808,712 on 10/26/04;

10/815,391 filed 03/31/04; issued as US 6,866,849 on 03/15/05;

10/815,404 filed 03/31/04; issued as US 6,982,084 on 01/03/06;

10/816,022 filed 03/31/04; issued as US 6,866,850 on 03/15/05;

10/816,380 filed 03/31/04; issued as US 7,014,855 on 03/21/06;

10/816,529 filed 03/31/04; issued as US 6,818,218 on 11/16/04;

10/884,892 filed 07/01/04; issued as US 6,962,707 on 11/08/05;

10/923,469 filed 08/20/04;

10/923,471 filed 08/20/04;

10/933,559 filed 09/02/04; issued as US 6,972,127 on 12/06/05;

10/934,609 filed 09/02/04; issued as US 6,946,135 on 09/20/05;

11/245,916 filed 10/07/05;

11/520,438 filed 09/12/06; issued as US 7,790,856 on 09/07/10;

11/809,552 filed 06/01/07;

11/842,023 filed 08/20/07; issued as US 7,893,214 on 02/22/10;

11/842,042 filed 08/20/07;

11/842,113 filed 08/20/07;

11/842,116 filed 08/20/07;

12/729,902 filed 03/23/10; and

12/977,013 filed 12/22/10.

Applicant further cites the following commonly owned abandoned applications which are directed to related subject matter:

10/703,713 filed 11/07/03;  
10/704,070 filed 11/07/03;  
10/771,174 filed 02/04/04;  
10/789,273 filed 02/27/04;  
11/260,047 filed 10/26/05;  
11/304,072 filed 12/15/05;  
11/305,889 filed 12/15/05;  
11/305,899 filed 12/15/05;  
11/342,252 filed 01/27/06;  
11/396,417 filed 03/30/06;  
11/413,638 filed 04/28/06;  
11/516,724 filed 09/05/06;  
11/841,794 filed 08/20/07;  
11/841,832 filed 08/20/07;  
11/841,849 filed 08/20/07;  
11/841,857 filed 08/20/07;  
11/841,882 filed 08/20/07;  
11/841,897 filed 08/20/07;  
11/841,950 filed 08/20/07;  
11/842,056 filed 08/20/07;  
11/893,094 filed 08/13/07;  
11/893,103 filed 08/13/07;  
11/893,110 filed 08/13/07;

11/894,714 filed 08/20/07;  
11/894,754 filed 08/20/07;  
11/894,789 filed 08/20/07;  
12/106,206 filed 04/18/08;  
12/253,929 filed 10/17/08;  
60/251,892 filed 12/06/00;  
60/363,751 filed 03/12/02;  
60/444,150 filed 02/01/03;  
60/474,654 filed 05/30/03;  
60/530,480 filed 12/17/03;  
60/530,481 filed 12/17/03;  
60/616,474 filed 10/05/04;  
60/622,525 filed 10/26/04;  
60/636,684 filed 12/15/04;  
60/636,687 filed 12/15/04;  
60/636,776 filed 12/15/04;  
60/636,810 filed 12/15/04;  
60/636,842 filed 12/15/04;  
60/637,138 filed 12/16/04;  
60/637,253 filed 12/16/04;  
60/648,631 filed 01/28/05;  
60/648,639 filed 01/28/05;  
60/691,821 filed 06/17/05;  
60/735,687 filed 11/10/05;  
60/736,045 filed 11/10/05;

60/736,119 filed 11/10/05;  
60/793,014 filed 04/18/06;  
60/925,228 filed 10/17/07;  
60/999,423 filed 10/17/07;  
61/083,827 filed 07/25/08;  
61/110,538 filed 10/31/08;  
61/197,878 filed 10/30/08;  
61/308,253 filed 02/25/10; and  
61/327,062 filed 04/22/10.

Applicant also cites the following abandoned applications directed to related subject matter but subject to different assignment:

09/204,838 filed 12/03/98;  
09/497,553 filed 02/03/00;  
09/579,690 filed 05/26/00;  
09/580,015 filed 05/26/00;  
09/580,019 filed 05/26/00;  
09/585,656 filed 06/01/00;  
09/723,544 filed 11/28/00;  
09/723,713 filed 11/27/00;  
09/723,725 filed 11/27/00;  
09/723,760 filed 11/27/00;  
09/723,766 filed 11/27/00;  
09/724,273 filed 11/28/00;  
09/724,291 filed 11/28/00;  
09/724,495 filed 11/27/00;

09/724,575 filed 11/28/00;  
09/724,921 filed 11/28/00;  
09/724,929 filed 11/28/00;  
09/979,701 filed 03/13/01 (US National Stage of PCT/US00/14810 filed 05/26/00);  
09/980,568 filed 03/12/02 (US National Stage of PCT/US00/15302 filed 06/01/00);  
10/777,792 filed 02/11/04;  
10/788,666 filed 02/27/04;  
10/822,968 filed 04/12/04;  
10/823,463 filed 04/12/04;  
10/828,548 filed 04/19/04;  
10/889,999 filed 04/12/04;  
10/890,000 filed 07/12/04;  
10/890,024 filed 04/12/04;  
10/890,070 filed 07/12/04;  
10/890,071 filed 07/12/04;  
10/923,267 filed 08/20/04;  
10/923,474 filed 08/20/04;  
10/923,605 filed 08/20/04;  
10/928,926 filed 08/27/04;  
10/934,818 filed 09/02/04;  
10/934,819 filed 09/02/04;  
11/058,757 filed 02/14/05;  
11/108,102 filed 04/15/05;  
11/245,524 filed 10/07/05;



11/396,391 filed 03/30/06;  
11/842,085 filed 08/20/07;  
11/842,101 filed 08/20/07;  
11/842,120 filed 08/20/07;  
11/894,665 filed 08/20/07;  
12/328,740 filed 12/04/08;  
60/067,219 filed 12/03/97;  
60/067,740 filed 12/02/97;  
60/079,697 filed 03/27/98;  
60/080,970 filed 04/07/98;  
60/136,655 filed 05/28/99;  
60/137,010 filed 06/01/99;  
60/137,047 filed 06/01/99; and  
60/810,245 filed 06/01/06.

Applicant understands the Examiner can access papers from the prosecution of the cited cases electronically via PALM. However, if the Examiner has difficulty obtaining papers from that source they are invited to call the undersigned who will be happy to supply them.

Applicant draws the Examiners attention to the following cites which are being resubmitted herewith. EP 506 785 B1 was cited as cite 48 on IDS filed 08/01/2005. The publication date was incorrectly cited as 03/15/2000. The reference is now correctly cited and re-submitted as cite 48a. WO 99/60021 A2 was cited as cite 54 on IDS filed 08/01/2005. The publication date was incorrectly cited as 11/15/1999. The reference is now correctly cited and re-submitted as cite 54a. US 5,004,697 was cited as cite 198 on IDS filed 08/01/2005. The publication date was incorrectly cited as 04/20/1991. The reference is now correctly cited and re-submitted as cite 198a. US 2003/0039645 A1 was cited as cite 708 on IDS filed 03/09/2008. The publication

date was incorrectly cited as 10/14/2003. The reference is now correctly cited and re-submitted as cite 708a. EP 1 690 547 B1 was cited as cite 1102 on IDS filed 07/07/2009. The publication date was incorrectly cited as 08/16/1998 and the kind code was incorrectly cited as B1. The reference is now correctly cited and re-submitted as cite 1102a. WO 08/131298 A3 was cited as cite 1135 on IDS filed 07/07/2009. The publication number was incorrectly cited as 12/18/2008. The reference is now correctly cited and re-submitted as cite 1135a. US 2006/0234912 was cited as cite 1153 on IDS filed 07/07/2009. The publication date was incorrectly cited as 10/16/2006. The reference is now correctly cited and re-submitted as cite 1153a. These errors were inadvertent and made without deceptive intent.

Opposition of EP 1 033 996

Applicant notes that an opposition has been filed against European Application No. EP 1 033 996. The proceedings before the Opposition Division have been concluded, and the patent was maintained in an amended form. Both the proprietor and the opponent have appealed the decision of the Opposition Division. EP 1 033 996 is directed to related subject matter but subject to a different assignment, and corresponds to the following U.S. Applications and/or U.S. Patents:

09/201,430 filed on 11/30/98; issued as US 6,787,523 on 09/07/04;  
09/497,553 filed on 02/03/00; now abandoned;  
09/724,477 filed on 11/28/00; issued as US 6,787,143 on 09/07/04;  
09/723,927 filed on 11/28/00; issued as US 6,787,138 on 09/07/04;  
09/723,762 filed on 11/28/00; issued as US 6,787,144 on 09/07/04;  
09/724,102 filed on 11/28/00; issued as US 6,787,139 on 09/07/04;  
09/724,489 filed on 11/28/00; issued as US 6,787,140 on 09/07/04;  
10/816,022 filed on 03/31/04; issued as US 6,866,850 on 03/15/05;  
10/816,529 filed on 03/31/04; issued as US 6,818,218 on 11/16/04;  
10/815,391 filed on 03/31/04; issued as US 6,866,849 on 03/15/05;

10/815,353 filed on 03/31/04; issued as US 6,808,712 on 10/26/04;  
 10/816,380 filed on 03/31/04; issued as US 7,014,855 03/21/06;  
 10/815,404 filed on 03/31/04; issued as US 6,982,084 01/03/06;  
 10/884,892 filed on 07/01/04; issued as US 6,962,707 on 11/08/05;  
 10/934,818 filed on 09/02/04; now abandoned;  
 11/108,102 filed on 04/15/05; now abandoned;  
 11/245,524 filed on 10/07/05; now abandoned;  
 10/934,609 filed on 09/02/04; issued as US 6,946,135 on 09/20/05;  
 11/245,916 filed on 10/07/05;  
 10/933,559 filed on 09/02/04; issued as US 6,972,127 on 12/06/05;  
 10/934,819 filed on 09/02/04; now abandoned; and  
 11/894,665 filed on 08/20/07; now abandoned.

References have been made of record in the opposition against EP 1 033 996. The following table correlates the opposition reference nos. with the instant cite nos. and provides the filing date of the relevant IDS in the instant application.

| Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|---------------------|------------------|--------------------------|
| D1                  | 1200             | Cited by this submission |
| D2                  | 194              | 08/01/2005               |
| D3                  | 173              | 08/01/2005               |
| D4                  | 47               | 08/01/2005               |
| D5                  | 159              | 08/01/2005               |
| D6                  | 1201             | Cited by this submission |
| D7                  | 1202             | Cited by this submission |
| D8                  | 1203             | Cited by this submission |
| D9                  | 1204             | Cited by this submission |
| D10                 | 1206             | Cited by this submission |
| D11                 | 931              | 03/09/2008               |

| Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|---------------------|------------------|--------------------------|
| D12                 | 1205             | Cited by this submission |
| D13                 | 1207             | Cited by this submission |
| D14                 | 1208             | Cited by this submission |
| D15                 | 857              | 03/09/2008               |
| D16                 | 839              | 03/09/2008               |
| D17                 | 840              | 03/09/2008               |
| D18                 | 841              | 03/09/2008               |
| D19                 | 160              | 08/01/2005               |
| D20                 | 607              | 03/09/2008               |
| D21                 | 518              | 08/01/2005               |
| D22                 | 160              | 08/01/2005               |
| D23a                | 1074             | 11/17/2008               |
| D23b                | 1073             | 11/17/2008               |
| D23c                | 1006             | 11/17/2008               |
| D24                 | 1161             | 07/07/2009               |
| D25                 | 1294             | Cited by this submission |
| D26                 | 1295             | Cited by this submission |
| D27                 | 1296             | Cited by this submission |
| D28                 | 1297             | Cited by this submission |
| D29                 | 552              | 08/01/2005               |
| D30                 | 1298             | Cited by this submission |
| D31                 | 1299             | Cited by this submission |
| D32                 | 1301             | Cited by this submission |
| D33                 | 1300             | Cited by this submission |

References have been made of record in the Appeal against EP 1 033 996. The following table correlates the appeal reference nos. with the instant cite nos. and provides the filing date of the relevant IDS in the instant application.

| Appeal Cite No. | Instant Cite No. | IDS Filing Date          |
|-----------------|------------------|--------------------------|
|                 | 1318             | Cited by this submission |

| Appeal Cite No. | Instant Cite No. | IDS Filing Date          |
|-----------------|------------------|--------------------------|
| D34             |                  |                          |
| D35             | 164              | 11/28/2007               |
| D36             | 1319             | Cited by this submission |
| D37             | 1320             | Cited by this submission |
| D38             | 1321             | Cited by this submission |
| D39             | 1322             | Cited by this submission |

### Opposition of EP 1 679 080

Applicant notes that five oppositions have been filed against European Patent No. EP 1 679 080. EP 1 679 080 is directed to related subject matter but subject to a different assignment, and corresponds to the following U.S. Applications and/or U.S. Patents:

09/201,430 filed on 11/30/98; issued as US 6,787,523 on 09/07/04;

09/497,553 filed on 02/03/00; now abandoned;

09/724,477 filed on 11/28/00; issued as US 6,787,143 on 09/07/04;

09/723,927 filed on 11/28/00; issued as US 6,787,138 on 09/07/04;

09/723,762 filed on 11/28/00; issued as US 6,787,144 on 09/07/04;

09/724,102 filed on 11/28/00; issued as US 6,787,139 on 09/07/04;

09/724,489 filed on 11/28/00; issued as US 6,787,140 on 09/07/04;

10/816,022 filed on 03/31/04; issued as US 6,866,850 on 03/15/05;

10/816,529 filed on 03/31/04; issued as US 6,818,218 on 11/16/04;

10/815,391 filed on 03/31/04; issued as US 6,866,849 on 03/15/05;

10/815,353 filed on 03/31/04; issued as US 6,808,712 on 10/26/04;

10/816,380 filed on 03/31/04; issued as US 7,014,855 03/21/06;

10/815,404 filed on 03/31/04; issued as US 6,982,084 01/03/06;

10/884,892 filed on 07/01/04; issued as US 6,962,707 on 11/08/05;

10/934,818 filed on 09/02/04; now abandoned;

11/108,102 filed on 04/15/05; now abandoned;  
 11/245,524 filed on 10/07/05; now abandoned;  
 10/934,609 filed on 09/02/04; issued as US 6,946,135 on 09/20/05;  
 11/245,916 filed on 10/07/05;  
 10/933,559 filed on 09/02/04; issued as US 6,972,127 on 12/06/05;  
 10/934,819 filed on 09/02/04; now abandoned; and  
 11/894,665 filed on 08/20/07; now abandoned.

References have been made of record in the opposition against EP 1 679 080. The following tables correlate the opposition reference nos. with the instant cite nos. and provides the filing date of the relevant IDS in the instant application.

| Opponent 1 - EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 518              | 08/01/2005               |
| D2   | 159              | 08/01/2005               |
| D3   | 1225             | Cited by this submission |
| D4   | 1226             | Cited by this submission |
| D5   | 82               | 08/01/2005               |
| D6   | 612              | 03/09/2008               |
| D49  | 1293             | Cited by this submission |

| Opponent 2 - EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 1200             | Cited by this submission |
| D2   | 1233             | Cited by this submission |
| D3   | 47               | 08/01/2005               |
| D4   | 1203             | Cited by this submission |
| D5   | 194              | 08/01/2005               |
| D6   | 173              | 08/01/2005               |
| D7   | 159              | 08/01/2005               |

| Opponent 2 - EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D8   | 1201             | Cited by this submission |
| D9   | 160              | 08/01/2005               |
| D10  | 182              | 08/01/2005               |
| D11  | 1234             | Cited by this submission |

| Opponent 3 - EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date |
|--|------------------|-----------------|
| D1   | 279              | 08/01/2005      |
| D2   | 275              | 08/01/2005      |
| D3   | 815              | 03/09/2008      |
| D4   | 816              | 03/09/2008      |
| D5   | 817              | 03/09/2008      |
| D6   | 173              | 08/01/2005      |
| D7   | 34               | 08/01/2005      |
| D8   | 86               | 08/01/2005      |
| D9   | 85               | 08/01/2005      |
| D10  | 82               | 08/01/2005      |
| D11  | 517              | 08/01/2005      |

| Opponent 4 - EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 47               | 08/01/2005               |
| D2   | 1227             | Cited by this submission |
| D3   | 1228             | Cited by this submission |
| D4   | 159              | 08/01/2005               |
| D5   | 40               | 08/01/2005               |
| D6   | 1229             | Cited by this submission |
| D7   | 173              | 08/01/2005               |
| D8   | 1230             | Cited by this submission |
| D9   | 1231             | Cited by this submission |
| D10  | 1232             | Cited by this submission |

| Opponent 5 - EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 1235             | Cited by this submission |
| D2   | 82               | 08/01/2005               |
| D3   | 1236             | Cited by this submission |
| D4   | 1237             | Cited by this submission |
| D5   | 1285             | Cited by this submission |
| D6   | 1238             | Cited by this submission |
| D7   | 1239             | Cited by this submission |
| D8   | 1240             | Cited by this submission |
| D9   | 917              | 03/09/2008               |
| D10  | 86               | 08/01/2005               |
| D11  | 1241             | Cited by this submission |
| D12  | 1242             | Cited by this submission |
| D13  | 1243             | Cited by this submission |

| Proprietor EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date |
|--|------------------|-----------------|
| D44  | 857              | 03/09/2008      |
| D45  | 839              | 03/09/2008      |
| D47  | 840              | 03/09/2008      |
| D48  | 841              | 03/09/2008      |

#### Opposition of EP 1 690 547

Applicant notes that four oppositions have been filed against European Patent No. EP 1 690 547. EP 1 690 547 is directed to related subject matter but subject to a different assignment, and corresponds to the following U.S. Applications and/or U.S. Patents:

09/201,430 filed on 11/30/98; issued as US 6,787,523 on 09/07/04;

09/497,553 filed on 02/03/00 now abandoned;

09/724,477 filed on 11/28/00; issued as US 6,787,143 on 09/07/04;



09/723,927 filed on 11/28/00; issued as US 6,787,138 on 09/07/04;  
09/723,762 filed on 11/28/00; issued as US 6,787,144 on 09/07/04;  
09/724,102 filed on 11/28/00; issued as US 6,787,139 on 09/07/04;  
09/724,489 filed on 11/28/00; issued as US 6,787,140 on 09/07/04;  
10/816,022 filed on 03/31/04; issued as US 6,866,850 on 03/15/05;  
10/816,529 filed on 03/31/04; issued as US 6,818,218 on 11/16/04;  
10/815,391 filed on 03/31/04; issued as US 6,866,849 on 03/15/05;  
10/815,353 filed on 03/31/04; issued as US 6,808,712 on 10/26/04;  
10/816,380 filed on 03/31/04; issued as US 7,014,855 03/21/06;  
10/815,404 filed on 03/31/04; issued as US 6,982,084 01/03/06;  
10/884,892 filed on 07/01/04; issued as US 6,962,707 on 11/08/05;  
10/934,818 filed on 09/02/04 now abandoned;  
11/108,102 filed on 04/15/05 now abandoned;  
11/245,524 filed on 10/07/05; now abandoned;  
10/934,609 filed on 09/02/04; issued as US 6,946,135 on 09/20/05;  
11/245,916 filed on 10/07/05;  
10/933,559 filed on 09/02/04; issued as US 6,972,127 on 12/06/05;  
10/934,819 filed on 09/02/04 now abandoned; and  
11/894,665 filed on 08/20/07 now abandoned.

References have been made of record in the opposition against EP 1 690 547. The following tables correlate the opposition reference nos. with the instant cite nos. and provides the filing date of the relevant IDS in the instant application.

| Opponent 1 - EP 1 690 547<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date |
|--|------------------|-----------------|
| D1   | 518              | 08/01/2005      |
| D2   | 159              | 08/01/2005      |

| Opponent 1 - EP 1 690 547<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D3   | 40               | 08/01/2005               |
| D4   | 1226             | Cited by this submission |
| D5   | 350              | 08/01/2005               |
| D6   | 509              | 08/01/2005               |
| D7   | 612              | 03/09/2008               |

| Opponent 2 - EP 1 690 547<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 1233             | Cited by this submission |
| D2   | 902              | 03/09/2008               |
| D3   | 1245             | Cited by this submission |
| D4   | 518              | 08/01/2005               |
| D5   | 1246             | Cited by this submission |
| D6   | 66               | 08/01/2005               |
| D7   | 1247             | Cited by this submission |
| D8   | 82               | 08/01/2005               |
| D9   | 1248             | Cited by this submission |
| D10  | 159              | 08/01/2005               |
| D11  | 1201             | Cited by this submission |

| Opponent 3 - EP 1 690 547<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 66               | 08/01/2005               |
| D2   | 1252             | Cited by this submission |
| D3   | 1253             | Cited by this submission |
| D4   | 160              | 08/01/2005               |
| D5   | 1254             | Cited by this submission |

| Opponent 4 - EP 1 690 547<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D1   | 82               | 08/01/2005               |
| D2   | 66               | 08/01/2005               |
| D3   | 40               | 08/01/2005               |
| D4   | 1249             | Cited by this submission |
| D5   | 814              | 03/09/2008               |
| D6   | 1243             | Cited by this submission |
| D7   | 86               | 08/01/2005               |
| D8   | 1241             | Cited by this submission |
| D9   | 173              | 08/01/2005               |
| D10  | 1240             | Cited by this submission |
| D11  | 1243             | Cited by this submission |
| D12  | 917              | 03/09/2008               |
| D13  | 1250             | Cited by this submission |
| D14  | 1251             | Cited by this submission |

| Proprietor EP 1 679 080<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date |
|--|------------------|-----------------|
| D32  | 857              | 03/09/2008      |
| D33  | 839              | 03/09/2008      |
| D35  | 840              | 03/09/2008      |
| D36  | 841              | 03/09/2008      |

#### Opposition of EP 1 185 298

Applicant notes that an opposition has been filed against European Patent No. EP 1 185 298. EP 1 185 298 is directed to related subject matter but subject to a different assignment, and corresponds to the following U.S. Applications and/or U.S. Patents:

09/580,015 filed 05/26/00 now abandoned;

09/724,940 filed 11/28/00; issued as U.S. 6,905,686 on 06/14/05;

09/724,961 filed 11/28/00; issued as U.S. 6,743,427 on 06/01/04;

09/979,701 filed 03/13/01 (U.S. National Stage of PCT/US00/14810 filed 05/26/00),  
now abandoned;  
10/823,463 filed 04/12/04 now abandoned;  
11/058,757 filed 02/14/05 now abandoned;  
11/396,391 filed 03/30/06 now abandoned;  
09/580,018 filed 05/26/00; issued as U.S. 6,761,888 on 07/13/04;  
09/724,552 filed 11/28/00; issued as U.S. 6,750,324 on 6/15/04;  
09/723,544 filed 11/28/00 now abandoned;  
09/724,273 filed 11/28/00 now abandoned;  
09/724,551 filed 11/28/00; issued as U.S. 6,787,637 on 09/07/04;  
09/724,288 filed 11/28/00; issued as US 7,575,880 on 08/18/09;  
10/777,792 filed 02/11/04; now abandoned;  
10/890,024 filed 04/12/04 now abandoned;  
10/889,999 filed 04/12/04 now abandoned;  
10/890,000 filed 07/12/04 now abandoned;  
09/580,019 filed 05/26/00 now abandoned;  
09/723,765 filed 11/28/00; issued as U.S. 7,588,766 on 09/15/09;  
09/724,291 filed 11/28/00 now abandoned;  
10/822,968 filed 04/12/04 now abandoned;  
11/842,116 filed 08/20/07;  
11/842,120 filed 08/20/07 now abandoned;  
11/842,113 filed 08/20/07;  
11/842,101 filed 08/20/07 now abandoned; and  
11/842,085 filed 08/20/07.

References have been made of record in the opposition against EP 1 185 298. The following tables correlate the opposition reference nos. with the instant cite nos. and provides the filing date of the relevant IDS in the instant application.

| Opponent 1 - EP 1 185 298<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date |
|--|------------------|-----------------|
| D1   | 58               | 08/01/2005      |
| D2   | 159              | 08/01/2005      |
| D3   | 518              | 08/01/2005      |

| Proprietor - EP 1 185 298<br>Opposition Cite No. | Instant Cite No. | IDS Filing Date          |
|--|------------------|--------------------------|
| D4   | 1302             | Cited by this submission |
| D5   | 928              | 03/09/2008               |
| D6   | 534              | 03/09/2008               |

#### Opposition of EP 1 160 256

Applicant notes that an opposition has been filed against European Patent No. 1 160 256. EP 1 160 256 is directed to related subject matter but subject to a different assignment. References D1, D3, and D4 are being made of record and are identified on the PTO/SB/08B forms attached hereto as cite nos. 1260-1262. Reference D2 was previously cited an Information Disclosure Statement filed on 08/01/2005 as cite no. 191. The opposition proceedings have been concluded, and the patent is maintained in an amended form.

#### Opposition of EP 1 033 998

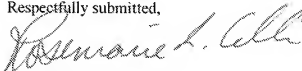
Applicant notes that an opposition has been filed against European Patent No. EP 1 033 998. EP 1 033 998 is commonly owned, directed to related subject matter, and corresponds to abandoned U.S. Application Nos. 09/204,838 filed 12/03/98, 09/724,921 filed 11/28/00, and 09/724,929 filed 11/28/00 (all of record). References D1-D22 cited in the opposition

were previously cited in an Information Disclosure Statements filed on 11/28/2007 as cite nos. 47, 57, 58, 61, 65, 66, 156, 160, 169, 182, 274, and filed on 03/19/2008 as cite nos. 517, 621, 760-763, and 765-769. The opposition proceedings have been concluded, and the patent is maintained unamended.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

A request for continued examination was submitted on August 15, 2011. Applicants believe no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 16-0605. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



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